

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. Lochtefeld
 App. No : 10/795,799
 Filed : March 8, 2004
 For : WATER RIDE ATTRACTION
 Examiner : Kien T Nguyen
 Art Unit : 3711
 Conf # : 7716

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October 6, 2008

(Date)



Glen L. Nutall, Reg. No. 46,188

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement transmitted by the Office April 4, 2008, Applicant elects to proceed with prosecution on the merits in connection with the species identified by the Examiner as group 2: Figs. 4a-4c. Currently-pending Claims 6, 8-13, 15, 16, 25 and 35-38 cover this species.

Applicant would like to clarify that it is his intention to continue prosecution of at least currently-pending independent Claim 6, and if the Examiner believes this claim is not appropriate for Applicant's chosen species, then Applicant respectfully traverses the restriction requirement or, in the alternative, requests that the Examiner identify which of the species would be more appropriate.

Notably, certain features recited in Claim 6 are explicitly demonstrated in Figures 4a-c and the accompanying text of the specification. However, other recited structural limitations are not explicitly illustrated in these figures. Applicant understands, however, that the specification contemplates mixing certain structural features. For example, in ¶116 of the specification-as-filed, which specifically discusses Fig. 1, the specification points out anticipated structural

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configurations that aren't necessarily explicitly shown in the drawings. Specifically, ¶116 of the specification states,

The inclined shape of ride surface 3 need not be limited to the sloping inclined plan as illustrated in FIG. 1. Ride surface 3 can gradually vary in curvature to assist in smooth water flow. For example, ride surface 3 can observe: upward concavity in longitudinal section parallel to the direction of water flow; or a longitudinal section comprised of upward concavity transitioning to an upward convexity; or a combination of straight, concave and convex longitudinal sections.

This explicit statement of ride surface structure contemplated by Applicant applies, for example, to the embodiment illustrated in Figures 4a-c, notwithstanding the specific structure shown in these drawings.

Applicant has filed herewith a Preliminary Amendment. The Preliminary Amendment amends the dependency of several claims and makes other minor changes so as to present a claim set more directed to the elected species. Also, Applicant has amended the preamble of Claim 6 in a manner to prevent future confusion. Applicant submits that such amendment does not substantially affect the scope of Claim 6.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/6/08

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